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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2013-688

12 **TRACY LOUISE DESNOYERS a.k.a.**  
13 **TRACY LOUISE GRAF**  
14 **389 Stone Creek Point, #206**  
15 **Charlottesville, VA 22902**

**A C C U S A T I O N**

16 **3119 W 79th Place**  
17 **Merrillville, IN 46410**

18 **Registered Nurse License No. 553537**

Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
24 Consumer Affairs.

25 2. On or about March 24, 1999, the Board of Registered Nursing issued Registered  
26 Nurse License Number 553537 to Tracy Louise Desnoyers, also known as Tracy Louise Graf  
27 (Respondent). The Registered Nurse License expired on September 30, 2004, and has not been  
28 renewed.

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“(a) Unprofessional conduct, which includes, but is not limited to, the following:

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“(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.”

## COST RECOVERY

9. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

## FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct – Out of State Discipline)  
(Bus. & Prof. Code § 2761, subd. (a)(4))

10. Respondent has subjected her registered nurse license to disciplinary action under Code section 2761, subdivision (a)(4), in that on or about October 30, 2009, in a disciplinary action before the Illinois Department of Financial and Professional Regulation (“Illinois Department”), Case No. 200708795, the Illinois Department entered an Order indefinitely suspending Respondent’s Certificate of Registration to practice as a registered nurse in the State of Illinois for a minimum of 12 months. The Order required Respondent to immediately surrender her Certificate of Registration to the Illinois Department.

11. The facts and circumstances supporting the Illinois Department's Order are that on or about September 4, 2008, a representative of the Illinois Department approved an Agreement of Care, Counseling, and Treatment ("Agreement") between Respondent and the Illinois Department. Among other things, the Agreement required Respondent to abstain from the

1 consumption of alcohol and the use of mood altering or psychoactive drugs. The Agreement also  
2 provided that Respondent's license to practice as a registered nurse would be automatically and  
3 indefinitely suspended for a minimum of 12 months if Respondent violated certain sections of the  
4 Agreement. The Illinois Department concluded that Respondent violated the Agreement on or  
5 about September 9, 2009, when she experienced a relapse in recovery.

6 SECOND CAUSE FOR DISCIPLINE  
7 (Unprofessional Conduct – Out of State Discipline)  
8 (Bus. & Prof. Code § 2761, subd. (a)(4))

9 12. Respondent has subjected her registered nurse license to disciplinary action under  
10 Code section 2761, subdivision (a)(4), in that on or about March 29, 2011, in a disciplinary action  
11 before the Illinois Department entitled "In Re: The License Revocation of Tracy Desnoyers,"  
12 Case No. 200708795, the Illinois Department entered a Consent Order removing Respondent's  
13 Illinois registered nurse license from suspended status and placing her on indefinite probation for  
14 at least 3 years. The Consent Order required Respondent to do the following during the period of  
15 probation: (1) not ingest alcohol or controlled substances; (2) not ingest mood or mind altering  
16 substances except those therapeutically prescribed by a treating prescriber; (3) provide monthly  
17 random screens during the entire period of probation; (4) actively participate in an ongoing  
18 program for aftercare that monitors her recovery and includes random monthly screens; (5) cause  
19 her aftercare program to submit written quarterly reports detailing her program status and provide  
20 immediate notification of non-compliance; (6) meet with the Illinois Department Investigator  
21 upon request; (7) provide the Illinois Department with written quarterly reports to include various  
22 information; (8) not work for a registry, as a traveling nurse, in a float pool, or in any temporary  
23 employment agency; (9) not work in a home or other community-based setting in which direct  
24 supervision is not available; (10) work only in a setting where there is always a physician or other  
25 nurse present; (11) not work night shifts; (12) not work more than 40 hours-per-week; (13) not  
26 work a shift without at least a 12-hour lapse from the previous shift worked; (14) not work more  
27 than three 12-hour shifts on consecutive days; (15) not have access to or dispense narcotics or  
28 synthetic narcotics; (16) not accept a supervisory position for 1 year from the date of entry of the

1 Consent Order; (17) notify the Illinois Department of any change in employment, home address,  
2 or telephone number within 5 days; and (18) comply with all terms and conditions of the Illinois  
3 Nurse Practice Act. Respondent signed the Consent Order on or about March 8, 2011.

4 13. The facts and circumstances supporting the Illinois Department's Consent Order are  
5 that on or about December 7, 2010, Respondent filed a Petition for Restoration of her Illinois  
6 registered nurse license. As a result, the Illinois Department held an informal conference, where  
7 Respondent presented evidence showing that she had complied with the terms of the Illinois  
8 Department's October 2009 Order. The Illinois Department stipulated that Respondent  
9 successfully demonstrated that restoration of her registered nurse license to probationary status  
10 was within the public interest.

11 THIRD CAUSE FOR DISCIPLINE

12 (Unprofessional Conduct – Out of State Discipline)  
13 (Bus. & Prof. Code § 2761, subd. (a)(4))

14 14. Respondent has subjected her registered nurse license to disciplinary action under  
15 Code section 2761, subdivision (a)(4), in that on or about August 7, 2012, in an action entitled "In  
16 the Matter of License Renewal Application of: Tracy Desnoyers, R.N.," Cause No. 2012 NB 349,  
17 before the Indiana State Board of Nursing ("Indiana Board"), the Indiana Board entered a  
18 Decision on License Renewal Application ("Decision") granting Respondent's application for  
19 renewal of her Indiana registered nurse license. The Indiana Board's Decision placed  
20 Respondent's Illinois registered nurse license on indefinite probation, subject to various terms and  
21 conditions. The terms and conditions of the Indiana Board's Decision required Respondent to:  
22 (1) keep the Indiana Board apprised of her contact information, her place of employment, and her  
23 employment contact information; (2) comply with the terms of her Illinois probation; and (3) and  
24 comply with all statutes and rules regulating the practice of nursing in Indiana. Pursuant to the  
25 Indiana Board's decision, Respondent could to petition to have the probationary order withdrawn  
26 once the probation of her Illinois license is lifted.

27 15. The facts and circumstances supporting the Indiana Board's decision are that  
28 Respondent submitted an application to renew her Indiana registered nurse license to the Indiana

1 Board. After considering the Illinois Department's disciplinary actions, the Indiana Board  
2 determined that Respondent had demonstrated to the Indiana Board that she was able to practice  
3 competently and safely in the future if she complied with the probationary terms set forth in their  
4 Decision.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
7 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 8 1. Revoking or suspending Registered Nurse License Number 553537, issued to Tracy  
9 Louise Desnoyers, also known as Tracy Louise Graf;
- 10 2. Ordering Tracy Louise Desnoyers, also known as Tracy Louise Graf to pay the Board  
11 of Registered Nursing the reasonable costs of the investigation and enforcement of this case,  
12 pursuant to Business and Professions Code section 125.3; and
- 13 3. Taking such other and further action as deemed necessary and proper.
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16 DATED: February 28, 2013

17 *for* Stacie Ben  
18 LOUISE R. BAILEY, M.ED., RN  
19 Executive Officer  
20 Board of Registered Nursing  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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